

United States Bankruptcy Court
Middle District of Tennessee

In re:
Capstone Pediatrics, PLLC
Debtor

Case No. 19-01971-RSM
Chapter 11

CERTIFICATE OF NOTICE

District/off: 0650-3

User: taa0611
Form ID: pdf001

Page 1 of 1
Total Noticed: 1

Date Rcvd: Oct 29, 2019

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Oct 31, 2019.

db +Capstone Pediatrics, PLLC, 1420 Donelson Pike Suite B17, Nashville, TN 37217-3015

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.
NONE. TOTAL: 0

***** BYPASSED RECIPIENTS *****

NONE. TOTAL: 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Oct 31, 2019

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on October 29, 2019 at the address(es) listed below:

BRUCE ANTHONY SAUNDERS on behalf of Interested Party Cigna Healthcare of Tennessee, Inc.
tsaunders@wyattfirm.com
BRUCE ANTHONY SAUNDERS on behalf of Interested Party Connecticut General Life Insurance
Company tsaunders@wyattfirm.com
BRUCE ANTHONY SAUNDERS on behalf of Interested Party HealthSpring Life and Health Insurance
Company, Inc. tsaunders@wyattfirm.com
DALTON M MOUNGER on behalf of Creditor A-Z Office Resource, Inc. dmounger@dmounger.com
DANIEL HAYS PURYEAR on behalf of Creditor Newtek Small Business Finance, LLC
dpuryear@puryearlawgroup.com, paralegalgroup@puryearlawgroup.com
DANIEL HAYS PURYEAR on behalf of Creditor CDS Business Services, Inc. d/b/a Newtek Business
Credit dpuryear@puryearlawgroup.com, paralegalgroup@puryearlawgroup.com
DAVID W HOUSTON, IV on behalf of Debtor Capstone Pediatrics, PLLC dhouston@burr.com,
mmayes@burr.com
EMILY CAMPBELL TAUBE on behalf of Debtor Capstone Pediatrics, PLLC etaube@burr.com,
mmayes@burr.com;sstarr@burr.com
GREGORY S REYNOLDS on behalf of Creditor SNH Medical Office Properties Trust
greynolds@rwjplc.com, kbarger@rwjplc.com;lnelson@rwjplc.com
JOSHUA L BURGNER on behalf of Creditor ARHC GMCLKT01, LLC jburgener@dickinsonwright.com,
dsolis@dickinsonwright.com;ppardee@dickinsonwright.com
MATTHEW RYAN GASKE on behalf of Creditor TN Dept of Revenue matthew.gaske@ag.tn.gov
MICHAEL G ABELOW on behalf of Creditor SL Airpark, LLC mabelow@srvhlaw.com,
mdelchamps@srvhlaw.com
MICHAEL G ABELOW on behalf of Creditor SL Airpark II, LLC mabelow@srvhlaw.com,
mdelchamps@srvhlaw.com
MILTON S. MCGEE, III on behalf of Creditor SNH Medical Office Properties Trust
tmcgee@rwjplc.com, dgibby@rwjplc.com
NATALIE M. COX on behalf of U.S. Trustee US TRUSTEE natalie.cox@usdoj.gov
R BURKE KEATY, II on behalf of Creditor LaVon House bkeaty@forthepeople.com,
jkeaty@forthepeople.com;anosal@forthepeople.com
RYAN K COCHRAN on behalf of Creditor Four Plus Corporation ryan.cochran@wallerlaw.com,
chris.cronk@wallerlaw.com;Deborah.liles@wallerlaw.com
SEAN CHARLES KIRK on behalf of Creditor Fairway-Galt, LLC skirk@bonelaw.com
THOMAS WORMMOUTH SHUMATE, IV on behalf of Creditor Meridian Law, PLLC
tom.shumate@meridianlawpllc.com
US TRUSTEE ustpregrion08.na.ecf@usdoj.gov
WARD W BENSON on behalf of Creditor United States of America on behalf of the Internal
Revenue Service ward.w.benson@usdoj.gov, Eastern.Taxcivil@usdoj.gov
WILLIAM L NORTON, III on behalf of Creditor Athenahealth bnorton@babac.com

TOTAL: 22

Dated: 10/28/2019



**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

In re:)	
)	Case No: 3:19-bk-1971
CAPSTONE PEDIATRICS, PLLC,)	Chapter 11
)	Judge Randal S. Mashburn
Debtor.)	

**SECOND AGREED ORDER AND STIPULATION EXTENDING THE TIME FOR THE
DEBTOR TO ASSUME OR REJECT AN UNEXPIRED LEASE
(SMYRNA LEASE)**

As evidenced by the signatures of counsel for the parties below, Capstone Pediatrics, LLC (“Debtor”) and Four Plus Corporation (“Landlord”) hereby agree and stipulate that the Debtor shall be entitled to an extension from October 24, 2019 to December 31, 2019, in which the Debtor may determine whether or not it will assume or reject the lease with the Landlord.

In support hereof, the parties stipulate, effective as of October 24, 2019, and have requested that the Court enter its order as follows:

- A. On March 28, 2019, the Debtor filed its Voluntary Petition for Relief under Chapter 11 of the Bankruptcy Code (the “Petition Date”).
- B. The Debtor and Landlord are parties to a Lease (the “Smyrna Lease”) of non-residential real property and improvements, located at 537 Stonecrest Pkwy., Suite 201, Smyrna, TN (“Premises”).
- C. The Debtor has not filed a motion to assume or reject the Smyrna Lease in this case.
- D. The initial deadline under 11 U.S.C. § 365(d)(4)(A)(i) for the Debtor’s assumption or rejection of the Smyrna Lease would expire on July 26, 2019.

E. The Debtor and the Landlord submitted and the Court entered an Agreed Order and Stipulation Extending the Time for the Debtor to Assume or Reject an Unexpired Lease entered August 14, 2019 (Doc. No. 135) that allowed the Debtor an additional 90 days from July 26, 2019 to October 24, 2019, to make its determination of whether to assume or reject the Smyrna Lease.

F. The Debtor confirms its requirements under the Smyrna Lease to permit Landlord to show the Premises to prospective purchasers and tenants in accordance with sections 22. (c) and (d) of the Smyrna Lease and to pay Landlord all costs incurred by Landlord (including attorneys' fees and expenses) which as of August 31, 2019, total \$4,531.37, and which continue to accrue. Further Debtor agrees to provide the Landlord 30 days notice in the event the Debtor ultimately decides to reject the Smyrna Lease and vacate the Premises.

G. In accordance with 11 U.S.C. § 365(d)(3), the Debtor shall continue to timely perform all of its obligations under the Smyrna Lease until the Smyrna Lease is assumed or rejected.

H. The Premises are utilized for one of the Debtor's pediatric clinics and is vital to the Debtor's current operations.

AND it appearing to the Court that good and sufficient cause exists for the relief set forth herein and that, based on the parties' agreement as evidenced by the signatures below, no notice and hearing is required for the entry of this Order,

It is hereby ORDERED that:

1. Pursuant to 11 U.S.C. § 365(d)(4)(B)(i), the Debtor shall have until and including December 31, 2019, in which to file and serve a motion to assume or reject the Smyrna Lease; and
2. Any further extensions of the assumption-or-rejection deadline will only be granted with the Landlord's prior written consent and in compliance with 11 U.S.C. § 365(d)(4).

This Order was signed and entered electronically as indicated at the top of the first page.

APPROVED FOR ENTRY:

/s/ David W. Houston, IV

David W. Houston, IV (20802)

Emily Taube (019323)

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Attorney for Debtor Capstone Pediatrics, PLLC

/s/ Ryan Cochran (w/permission)

Ryan Cochran

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Attorney for Landlord